

## **REMARKS**

### **I. Introduction**

Claims 6-10 are currently pending in the present application after cancellation of claim 11. Claim 6 has been amended to incorporate the features previously recited in claim 11. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

### **II. Rejection of Claims 6-9 under 35 U.S.C. § 102(b)**

Claims 6-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,461,357 ("Yoshioka"). In view of the amendment of independent claim 6 to incorporate the features previously recited in claim 11, Applicants respectfully submit that the anticipation rejection in view of Yoshioka has been overcome. For the sake of completeness, patentability of amended claim 6 and its dependent claims is discussed below in further detail.

### **III. Rejection of Claims 10-11 under 35 U.S.C. § 103(a)**

Claims 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshioka in view of U.S. Published Patent Application No. 2002/0134607 ("Recknagel"). In view of the incorporation of the features of claim 11 into amended claim 6 (effectively rewriting claim 11 in independent form), Applicants will address amended claim 6 and its dependent claims 7-10 in connection with the rejection based on Yoshioka and Recknagel.

#### **A. Statement of Common Ownership**

Applicants submit that the present application and the Recknagel reference were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, Robert Bosch GmbH.

#### **B. Recknagel is Not a Valid 103(a) Prior Art**

As per 35 U.S.C. 103(c)(1), Recknagel is not a valid 103(a) prior art reference as applied against the present application since: a) Recknagel qualifies as prior art against the present application only under subsection (e) of 35 U.S.C. 102; and b) as indicated in the above "Statement of Common Ownership," the present application and the Recknagel

reference were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same entity, i.e., Robert Bosch GmbH.

### **C. Claims 6-10 Are Patentable**

In view of the Examiner's reliance on the combination of Yoshioka and Recknagel in rejecting claim 11 (which previously depended on claim 6), the Examiner implicitly acknowledges that Yoshioka, *per se*, does not teach the features previously recited in claim 11, which features are now recited in amended claim 6. Independent of the above, even if one considered the Examiner's assertions regarding the teachings of Yoshioka (as applied against previously pending claim 11) on the merits, the teachings of Yoshioka clearly do not support the Examiner's contention. In this regard, the Examiner contends (with respect to the features previously recited in claim 11) that "Yoshioka discloses [to] activate the brake at an adjustable calculated distance  $l_{\max}$ ." However, Yoshioka does not actually teach activating the brake at the distance  $l_{\max}$ ; instead, Yoshioka merely teaches that  $l_{\max}$  is the theoretical "maximum distance in which the vehicle detects the obstacle and can stop without hitting the obstacle." Accordingly, Yoshioka's discussion of  $l_{\max}$  does not in any way suggest the claimed feature that "the attention range includes a threshold distance at which a restraint unit associated with the vehicle is triggered," as recited in amended claim 6.

For at least the foregoing reasons, claim 6 and its dependent claims 7-10 are allowable over the applied prior art.

Independent of the above, dependent claim 10 is additionally distinguishable over the teachings of Yoshioka since the Examiner additionally admits that "Yoshioka does not disclose the restraint unit is one of a reversible seatbelt tightening [system] and an extensible bumper."

**Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 6-10 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: \_\_\_\_\_

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By: \_\_\_\_\_

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